

WAILUKU WEATHER			
	Max.	Min.	R'fall
June 30	88	68	.00
July 1	90	71	.00
July 2	86	68	.00
July 3	87	71	.00
July 4	85	69	.00
July 5	86	72	.00
July 6	87	71	.00
No rainfall.			

# SEMI-WEEKLY MAUI NEWS

"FOR THE VALLEY ISLE FIRST"

THIS WEEK'S MAILS	
From the Coast: Tuesday	Wilhelmina: Wednesday
Nanking.	
To the Coast: Sunday, Persia Maru; Tuesday, Shinyo Maru; Wednesday, Maui.	
From the Orient: Tomorrow, Persia Maru; Tuesday, Shinyo Maru.	

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SEMI-WEEKLY MAUI NEWS, FRIDAY, JULY 7, 1922.

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## Two Important Rulings Made On Prohibition Law

**Prosecution Gets Its Evidence In But Magistrate Will Reconsider Motion to Strike if Violence of Entry is Shown**

Victory, at least temporary and perhaps permanent, rested with the prosecution this morning when Magistrate Mossman in the Wailuku District Court made two important rulings on the prohibition law in the case of the Territory vs. T. Nakagawa, one of the Wailuku raid cases and the one on which is based the damage suit against Crabbe, Enos, Coelho and Clark.

The court ruled that where a person permits a prohibition officer who detects by smell or otherwise what he believes to be forbidden liquor and the owner of the premises permits the officer to enter and investigate and such officer finds a quantity of prohibited liquor, there has been no violation of the constitutional rights of the owner of the premises.

Whether or not the contents of a bottle introduced as evidence is fit for beverage purposes at the time of the trial is immaterial provided it has been shown the liquid was fit for beverage purposes at the time of its seizure.

### Motion is Denied

The court overruled the motion to strike the evidence offered in the bottle presented and by the testimony of the raiding officers subject, however, to the right of the defense to show that there had been a violation of his constitutional rights in the entrance upon his premises, the search and the seizure. Magistrate Mossman said there was evidence given by the officers that the defendant permitted them to enter his premises, invited them in they had said, and showed them the kitchen. There was the evidence of Coelho that he sampled the stuff at the time of its seizure, that it was rice beer, that rice beer was fit for beverage purposes. If it be shown that there was a violent entry of the premises the rulings will be reconsidered.

Trial of the Nakagawa case was resumed this morning and Officer Coelho called to the stand. Over the objection of the defense he testified that he knew what rice beer is, had drunk it on different occasions for several years past and knew it to be fit for beverage purposes and that the stuff seized was rice beer.

### Witness Balks

Attorney Murphy on cross examination called for a cork screw and asked witness if he would sample the stuff offered as evidence. Coelho refused. Then followed an altercation between counsel as to whether the condition of the contents of the bottle offered as evidence now was important. The defense held it must be shown that the evidence offered was fit for beverage purposes and the prosecution that the court might take cognizance of common knowledge of natural laws and that it is a well known fact that rice beer is unfit for beverage purposes after 12 days unless a preservative had been used. The defense held that the prosecution must show by expert testimony that such chemical changes occur.

Following the ruling the prosecution rested and Attorney Murphy called his client to the stand. The witness spoke no English and it was found there was no interpreter present and the court took a recess until the services of a satisfactory interpreter is secured.

The defense is expected to seek to disprove the evidence of the officers that they were invited to enter and inspect the premises.

The recess was continued until two this afternoon.

Of the Wailuku raid cases, that of T. Nakagawa, occupied attention of the Wailuku magistrate's court day morning and afternoon and resumed at 9:30 this morning. Attorney Murphy for the defense the prosecution at every point, contention being first that the evidence was inadmissible since it is not to have been seized without process of law and second that it had been established that the stuff is the same that was seized (has not been proved that it was for beverage purposes) even if it contained alcohol in excess of amount permitted by law in beverage.

### Liquid Evidence

The opening of the case there brought into court a gallon glass jar nearly full of a whitish yellow liquid. On the offering of the and contents as evidence and objection for the prosecution the fire started. Attorney Murphy called it was taken from his client's without the preliminary of a jury. He argued at length on his and for the prosecution County Attorney Huber heard. Magistrate Mossman permitted the exhibit to be marked serving ruling on the motion to allow until it be established whether or not the evidence was secured by warrant of the law.

Raiding officers were the prosecution's witness and Attorney Murphy filed an affidavit which alleged warranted entrance upon his client's premises.

## Government Will See That Mails Move In Spite of Strikers

(ASSOCIATED PRESS)

WASHINGTON, July 7.—Postmaster General Herbert Work instructed district superintendents to report immediately any attempts of strikers to hamper mails. Work said, "I am confident the armed guards placed on the railways are capable of handling the situation. If they cannot, the department will call on the marines. The mails will be forwarded regularly and promptly, strike or no strike."

### Restraints Strikers

EAST ST. LOUIS, July 7.—Federal Judge English temporarily restrained strikers from interfering with Illinois Central trains and establishing what he termed "unlawful" picket lines.

### Troops Preparing

SPRINGFIELD, Illinois, July 7.—Threatened outbreaks in the Wabash railway shops at Decatur have led Adjutant General Carlos Black to order two troops of cavalry and five companies of infantry in readiness and preparation to move instantly.

### Officers Imprisoned

MONTGOMERY, Alabama, July 7.—Reports to the Advertiser say 1500 strikers hold 25 special officers of the Louisville and Nashville railroad prisoners at Albany. Governor Kilby promised the railroads protection and will decide tomorrow whether troops or special state officers be despatched.

### Strikers Hold Shops

SLATER, Mo., July 6.—Strikers holding the Chicago and Alton shops here, are searching passenger trains for strikebreakers and patrolling the town. Eighteen strikebreakers departed from here last night, one wearing a bandage around his head. Mayor Thomas Gaulling, himself, closed the shops, saying there would be no violence. Governor Hyde of Missouri has refused sheriff Lodsdon's request for a hundred guardsmen for the city.

## Dundee Gets Verdict Over Jack Sharkey

(ASSOCIATED PRESS)

NEW YORK, July 7.—Johnny Dundee, junior lightweight champion, received a judges decision over Jack Sharkey after their fifteen round bout here last night. Sharkey landed all through the mill with the exception of rallies in the fifth and seventh rounds. Dundee peppered Sharkey continually, sending Sharkey to his knees briefly in the fourth round. Dundee drew blood from Sharkey's left eye in the seventh.

### TRANSFER SUGAR STOCKS

(ASSOCIATED PRESS)

PITTSBURG, July 6.—Stockholders of the Baraga Sugar Company approved the transfer of the holdings of that company to the Punta Alegre Sugar Company.

### Claim Invited In

Witnesses for the prosecution told of a visit to a camp at Wailuku and of smelling something sour, following the smell and seeing a light in the kitchen of Nakagawa's place, detached from the main building in which it was shown were the Japanese and his wife. The witnesses said they went to the house door and rapped and that Nakagawa came to the door. They say they asked him if he were making okolehao and he denied it and said he was making "rice beer." They allege he asked them into the kitchen to see. Then they told a story of arrest, leaving one officer in the house, taking the \$100 bail money, sealing of the container of the liquid and its being turned over to Deputy Sheriff George Cummings.

Crabbe told of taking a sample for analysis. Clark said that after he had sealed the bottle it had not been tampered with, partially contradicting Crabbe's testimony of taking the sample. Coelho testified to remaining in the house with Nakagawa about half an hour prior to the return of Crabbe, Clark and Enos, and the fixing of bail. Cummings testified to having the custody of the container since the morning of June 16, to its having been opened on the morning of June 17, and sealed. The defense sought to show that others had access to the room in which it was kept, the deputy's office. All the evidence for the prosecution was admitted subject to the final ruling on the defense's motion to strike.

### Liquid is Analyzed

J. H. Pratt, chemist for the H. C. & S. Co., testified to making analyses for alcoholic content of four bottles of liquid on June 17. Three of the samples contained from 17 to 20 per cent alcohol in volume, he said, and one only a half of one percent. He did not remember which names were on the bottles other than that the three with the heavy alcohol volume had the names of Japanese on them and the fourth bottle the name of a Chinese.

Another squabble came with the motion of the prosecution to amend the information by striking the word "swipes" and substituting rice beer. Permission was granted and at that point an adjournment was taken to this morning.

## Children's Home Soon Reality

**Final Plans Are Approved and Give Larger Institution Than Has Been Recently Anticipated**

Building of Maui's Children's Home is to be started without further delay, it was decided at a meeting held Saturday evening when the plans prepared by William D'Esmond for the home were approved. He is now preparing plans and specifications for bidders and expects to have them finished within the next two weeks and tenders for construction are to be sought.

New plans for the home building which will be located near St. Anthony's school and church on church property show a larger and more substantial building than has recently been contemplated. The building will be a one story structure of frame and stucco and within there has been added a room for babies and little children that was not included in the first drawings.

In length the home will be 180 feet and will have a floor area of 7920 square feet. Thus its housing capacity will be larger than had been proposed. The drawing of the front elevation is very attractive and it will not be evident that any second hand material has been used. The county has given a large quantity of old building material from the old Malulani Hospital buildings that were demolished. Architect D'Esmond says that the stucco design will enable the builder to treat the old lumber and timber with a preparation that will destroy the ravages of ants and worms. Such material will answer perfectly behind the stucco.

Drawings for the building show a main entrance at the center of the long front. Back of the entrance is a sort of square hallway or vestibule in the rear of which and at the center of the building is the dining room. Kitchen and sisters' dining room. The main dining room is 25 by 30 feet in dimensions and the sisters' dining room is 12 by 12.

To the right of the entrance hall is the boys' dormitory, light, airy and well ventilated in size 70 feet in length along the front and 26 feet in depth. To the left of the hall is the girls' dormitory, extending 50 feet along the front and also 26 feet in depth.

Further to the left, opening off the girls' dormitory is the infants' room 18 by 22 feet. Off each dormitory, also there are two sisters' rooms, with connecting bath and toilet and back of each dormitory in the rear of the rear of the building is a boys' play room and girls' play room off of which open the lavatory, bath and other sanitary arrangements for the little inmates of the home.

It is estimated that the cost of construction may be in the vicinity of \$12,000 utilizing all of the available old lumber and timber.

It is hoped to have the building in readiness for use by the fall.

## Board Will Consider Ordinance to Prevent Playing in Streets

Those who want to be heard on the proposed "safety" ordinance that is designed to keep children in the more congested districts of Maui off the streets and from under the wheels of traffic will have their opportunity for expression before the board of supervisors next Friday. The proposed ordinance was introduced by the board of supervisors at the June meeting, passed first reading, and was published in Maui News on June 13.

By the proposed ordinance a "congested district" is defined as a portion of the public highway where the premises adjacent on both sides for a distance of 100 yards contains buildings used for business or residential purposes within 50 feet of the highway and not more than 100 feet apart.

In such districts it would be made unlawful for a child under the age of 12 years to loiter or play. Children offending may be taken up and detained by police officers or the probation officer. Parents or guardians of children offending against the provisions of the ordinance might be fined not to exceed \$50.

It is claimed for the ordinance that properly enforced it would be a protection for car drivers as well as for children. There has been almost constant complaint of the difficulties attending travel through Maui because of the number of children who are heedless in the streets and on the roads. There have been numerous cases of accident in which the drivers of cars have been held guiltless after a child has been maimed or even met death beneath the wheels of a vehicle.

### NEW HIGH MARK

HONOLULU, July 6.—(Associated Press)—New York's quotation on raw sugar today hits a new top mark for the year of 4.85 cents a pound. It has been predicted by market observers that raws will go over 5 cents before the end of the month.

## Buildings Destroyed In Dublin Estimated Four Million Pounds

(ASSOCIATED PRESS)

LONDON, July 7.—The ready response to the provisional government's national call to arms is regarded as further proof that most of the Irish men are behind them. It is indicated, however, that insurgents throughout the country are stronger that was supposed and the provisional government will need all the men it can get for its support.

DUBLIN, July 7.—Charles Burgess, better known as Cathal Brugha, one of DeValera's chief lieutenants, died from wounds received in the fighting around Sackville street on Wednesday. Approximately 700 insurgents have been taken prisoners in Dublin.

Yesterday the provisional government called to arms all who were previously rejected for service in the army. Casualties in Dublin number 65 dead and more than 260 wounded. Property damage is upwards of four million pounds sterling.

## Baldwin Bank Shows Gains During Past Six Months Business

Gains in deposits, in surplus and cash on hand are shown by The Baldwin Bank Limited, as well as a small increase in loans and discounts in the past six months in the report of that bank as of June 30, published in Maui News today when compared with the statement published at the close of the last calendar year.

Gains in deposits of The Baldwin Bank for the first six months of the year are \$57,336 while the increase in loans and discounts in the same time is \$50,200. Cash on hand and due from other banks is \$48,600 more than at the end of last year. Surplus increase is \$9,000 or a little more than 11 per cent.

The report shows continued prosperity and growth in a time when business depression has been felt in other communities and is highly satisfactory to deposits and stockholders.

## Three Families Go To Molokai Early August

(ASSOCIATED PRESS)

HONOLULU, July 6.—Three Hawaiians, David Kamai of Kaimuki, Clarence W. Kinney of Honolulu and Albert Kahinu of Molokai, with their families, will be placed on the lower lands of Kalamaula, Molokai, about the first of August to constitute the first settlement under the Hawaiian rehabilitation project.

These three families, together with five others, were selected recently by the Hawaiian Homes Commission from a list of 74 applicants for homes on Molokai. The remainder of the eight will be placed on the land about the first of November. Others will be given land as soon as the tracts are cleared of kiawe and other arrangements made for their accommodation.

Eight designs for homes at the settlement, submitted yesterday, are now under consideration by the commission, and the winning design will be selected within a few days.

## Leonard Hands Kansas Terrific Beating

(ASSOCIATED PRESS)

MICHIGAN CITY, July 4.—Reeling helplessly around the ring, groggy from the terrific punishment and bleeding around the face, Rocky Kansas was saved from an inevitable knockout by Benny Leonard, the holder of the world's lightweight title, when his seconds threw the sponge in the ring in the eighth round of a scheduled 10 round bout for the title.

The defeated contender was lead to his corner moaning "He whipped me, he whipped me."

Leonard hit Kansas at will and though unable to floor him during the eight rounds of fighting, a knockout must have come soon, when the seconds threw in the towel.

A later associated press dispatch says Kansas broke a small bone in the left arm according to an X-ray taken later. Kansas claims it was broken in the third round. Kansas was said to be heart broken when he entered the ring, having buried his father ten days previous and just before time for the fight received word that his mother was seriously ill.

### BORAH ATTACKS POLICIES

WASHINGTON, July 7.—Senator Borah attacked the fiscal policy of the administration and the legislative policy of the majority of congress, saying the government failed to lift the burdens from the people and proposed a program that would add billions. He added "If we judge the future by the past, the present indebtedness will take a thousand years to lift. Now it is proposed to add the bonus and ship subsidy measures which if imposed will take an extra 250 years."

## LAND SETTLEMENT PROBLEM AS APPLIED TO HAWAII IS EXPLAINED TO CHAMBER

**Careful Investigation and Experimenting Desirable Before More Lands Opened; Too Large Tracts Greatest Menace To Success in Agriculture**

Size of homesteads should be in proportion to the capital and executive ability possessed by the homesteader. The lottery method of distributing lands is unworkable and indefensible. The Hawaiian Homes Law should be amended to leave the size of tracts to the commission and the commission should select the homesteaders according to ability to make good and 20 acres should be a maximum rather than a minimum. Before any of the Hawaiian Homes lands on Maui be distributed there should be a series of investigations and experiments conducted, preferably by the University of Hawaii to determine what crops can be successfully raised, markets and other subjects of vital importance to the settlers. These are some of the outstanding points that were made by Dr. Elwood Mead to members of the Maui Chamber of Commerce at a special meeting of that body held in the Commercial Building on the Fair Grounds Monday afternoon.

There were a score of interested listeners to Dr. Mead, the "Make Happy" activities and preparation in business for the Fourth of July holiday reducing the attendance noticeably but those who were fortunate enough to hear Dr. Mead carried away with them some concrete ideas on land settlement and what should be the policies in Hawaii.

Executive Secretary George P. Cooke introduced Dr. Mead after the meeting had been called to order by J. J. Walsh, vice-president of the chamber. Mr. Cooke told of Dr. Mead's work and investigation of the subject on which he is an expert in Australia and in California and his connection with the University of California as head of the department of land settlement, and heading the California Commission.

Constructive in Criticism Dr. Mead spoke seated, his talk being the more interesting from his informality. He said that in the United States millions had been spent on irrigation but the problems of the settler had been ignored and that the result had been many early failures in most of the projects. At length there had been two investigations, one by the federal government and another by the State of California. The latter had accomplished the most and later Utah had done some investigatory work of importance. The declaration commission and its members had and does recognize the shortcomings of the federal methods of land settlement.

In investigation, it might seem peculiar but the investigators were sent away about as far as could be, to the Antipodes, for in Australia the subject had been taken up systematically and scientifically. The speaker then told of observations in Australia. In the Antipodes it was found that settlers would generally have to be looked for in the home country and Europe for the Australians were not attracted to the project.

Ideal is Visualized Dr. Mead said the ideal rural community should be composed of from 100 to 200 families, not many less than the minimum he mentioned and that if more than 200 it required larger executive and office forces. The problem was to get the settlers on the land so they would be successful financially and be satisfied socially.

As to the amount of capital required in Australia it was found in Australia that about 750 pounds was necessary, it was required before allotting land that the settler should have 250 pounds and the government made up the difference up to 500 pounds on long time loans. In California the commission found costs were higher so the amount of capital demanded was placed at \$2500 and the state would loan up to \$3000 additional.

At some length Dr. Mead went into the establishment of two rural communities in California, both of which went in for dairying and selected Holstein cattle. He told of some of the difficulties encountered there and of the working out of the project so that both are model communities. Type of houses and the use of ready cut houses was touched upon. There were few failures and those among the persons who took more land than they were able to handle properly. One man grew impatient and bought cows for himself instead of through the "buying" committee with the result that he lost the greater part as tubercular though the community shared his loss with him. Tubercular cattle were barred from the community.

Settlement in Hawaii As to the Hawaiian Homes Project, Dr. Mead said it was destined to have a greater and wider influence than is generally realized. Coming to his Maui visit the speaker said that owing to the competent guides he had, mentioning Senator Rice, F. G. Krauss, H. B. Penhallow, J. H. Foss, Albert Hornor and others, he had been able to get a better understanding of agricultural conditions in three days than he could otherwise have done in three months. It was at that point he advised experimentation before opening up Maui lands for settlement. Such lands are in the vicinity of Kula San-

itorium, at varying altitudes, Senator Rice, a member of the legislative commission to Washington from Hawaii later explained. Dr. Mead considered the University best suited to make the investigations and experiments as teaching of those and kindred subjects is a part of its province.

Homes For Workers Secretary George P. Cooke asked the visitor to go a little more at length into the subject of smaller home areas for workers. Dr. Mead did so, saying there were some who did not care to undertake the task of farming on their own account and of shouldering greater executive responsibilities. Tracts of from one half an acre to two acres were proper for that purpose, according to ability to handle and the ownership of such homes gave a stability to the community, helped largely to solve the labor problem so serious in Hawaii, and gave an otherwise impossible self respect to the workers and their families.

Senator Rice asked as to areas that should be allotted and Dr. Mead further emphasized the mistake of giving large areas. Twenty acres on Molokai might well be the largest. Size of capital and executive ability had a direct relation to the size of tract to be taken up, he repeated and added that land settlement was as much of an industrial proposition as any other business and similar rules applied to both.

Choosing Settlers Carefully As to using a selective system instead of a lottery system he said that while the California Commission had feared they would be attacked politically and the newspapers would criticize their work adversely, though there had been from six to more than 20 applicants for tracts, there had been no such political or newspaper criticism. He did not like the Hawaiian system which had taken improved lands and turned them over to homesteaders of all conditions and varying ability.

Tracts should be of the size the owner could profitably cultivate for himself, especially in regard to workers, but as a general rule. The man who has attained an ability to farm for himself can generally be counted upon to have enough capital earned and saved to put up the initial payment and the amount he would be required to furnish before given government aid.

Monday evening the party went over to Lahaina and spent the evening there with A. W. Collins until the Mauna Kea was off port ready to take them abroad for Honolulu.

## Strong Position Of Bank of Maui Shown In Its Statement

One of the strongest statements it has ever issued is that of the Bank of Maui published elsewhere in this issue of Maui News. It shows a gain of more than 25 per cent in the past six months in undivided profits and reserves for depreciation. Care and conservatism in management is clearly reflected in a comparison of the statements of June 30, and December 31 last. Cash on hand and due from other banks has increased nearly 60 percent while loans, discounts and overdrafts are decreased by \$231,000 and investments in bonds and securities by \$71,000. The item of \$100,000 for bills payable, discounts and due other banks is eliminated. Deposits show a slight decrease, about 3 percent only, and in every respect the position of the bank is much stronger than a half year since.

Where there have been failures in other counties and where business conditions have been reflected unfavorably elsewhere the showing made by the bank of Maui is more striking.

### GREAT MENACE SEEN

(ASSOCIATED PRESS) CHICAGO, July 7.—Major General Bell speaking before a body of advertising men said the present Polish situation is a growing menace and drawing the United States in war. Bell said "An army of 350,000 men is being mobilized on the Russian border. We have scrapped our defenses, and it is like scrapping the police force and expecting safety on the streets."

Commander McNider of the American legion pledged every member of the 11,000 posts to take up arms whenever called.

### NO CLOSURE LIKELY

(ASSOCIATED PRESS) WASHINGTON, July 7.—Defeat of the republican motion favoring the closure tariff is virtually certain, although leaders remain hopeful. By unanimous consent it was decided to limit debate on the less important items.